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BULLETIN No. 4

Amendments to the Consolidated Statutes

ENACTED BY THE

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION, DECEMBER, 1921

COMPILED BY

H. M. LONDON

LEGISLATIVE REFERENCE LIBRARIAN

RALEIGH, NORTH CAROLINA
1922

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THE NORTH CAROLINA HISTORICAL COMMISSION

J. BRYAN GRIMES, *Chairman.*

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D. H. HILL, *Secretary,*

H. M. LONDON, *Legislative Reference Librarian,*

Raleigh.

NOTE

This bulletin is issued in compliance with section 6147 of the Consolidated Statutes, which requires the Legislative Reference Librarian to keep the compilations of the Public Laws of the State revised to date. It contains the amendments to the Consolidated Statutes enacted at the Extra Session of December, 1921, of the General Assembly. Bulletin No. 3 contained the amendments enacted at the Extra Session 1920 and regular session 1921, copies of which may be obtained on application. No bulletin was issued in 1919, since all amendments enacted that year were embraced in the Consolidated Statutes.

The chapters which in terms or in effect amend certain chapters, sections or subsections of the Consolidated Statutes have been brought forward in this bulletin, and are arranged according to the section numbers of the Consolidated Statutes. In each case the chapter number is given so that reference may be made to the session laws. These amendments have been printed so that they may be clipped and pasted in the Consolidated Statutes, or the bulletin may be used as a supplement in its present form. The new Municipal Finance Act is not brought forward here, since it has been printed in pamphlet form and may be had upon application.

H. M. LONDON,

Legislative Reference Librarian.

AUGUST 1, 1922.

AMENDMENTS TO THE CONSOLIDATED STATUTES

ENACTED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1921

CHAPTER XII

CIVIL PROCEDURE

476 *et seq.* "1. The summons in all civil actions in the Superior Court shall be made returnable before the clerk at a date named therein not less than ten days nor more than twenty days from the issuance of said writ, and shall be served by delivering a copy thereof to each of the defendants: *Provided*, that in all cases where service of summons is to be by publication the summons may be made returnable within forty days from the commencement of the action.

"2. The complaint shall be filed on or before the return day of the summons: *Provided*, for good cause shown the clerk may extend the time to a day certain.

"3. The answer or demurrer shall be filed within twenty days after the return day, or after service of the complaint upon each of the defendants or within twenty days after the final determination of a motion to remove as a matter of right. If the time is extended for filing complaint, then the defendant shall have twenty days after the final day fixed for such extension in which to file the answer or demurrer, or after service of the complaint upon each of the defendants (in which latter case the clerk shall not extend the time for filing answer beyond twenty days after such service): *Provided*, in cases where the complaint is not served, for good cause shown, the clerk may extend the time to a day certain.

"4. The reply, if any, shall be filed within ten days after the filing of the answer: *Provided*, for good cause shown the clerk may extend the time to a day certain.

"5. If a demurrer is filed the plaintiff may be allowed to amend. If plaintiff fail to amend within five days after notice, the parties may agree to a time and place of hearing the same before some judge of the Superior Court, and upon such agreement it shall be the duty of the clerk of the Superior Court forthwith to send the complaint and demurrer to the judge holding the courts of the district, or to the resident judge of the district, who shall hear and pass upon the demurrer: *Provided*, if there be no agreement between the parties as to the time and place of hearing the same before the judge of the Superior Court, then it shall be the duty of the clerk of the Superior Court to send the complaint and demurrer to the judge holding the next term of the Superior Court in the county where the action is pending, who shall hear and pass upon the demurrer at that term of the court.

"6. Upon the rendering of the decision upon the demurrer if either party desire to appeal, notice shall be given and the appeal perfected as is now provided in case of appeals from decisions in term time.

"7. Within ten days after the return of the judgment upon demurrer, if there is no appeal, or within ten days after the receipt of the certificate from the Supreme Court, if there is an appeal, if the demurrer is sustained the plaintiff may move, upon three days notice, for leave to amend the complaint. If this is not granted, judgment shall be entered dismissing the action.

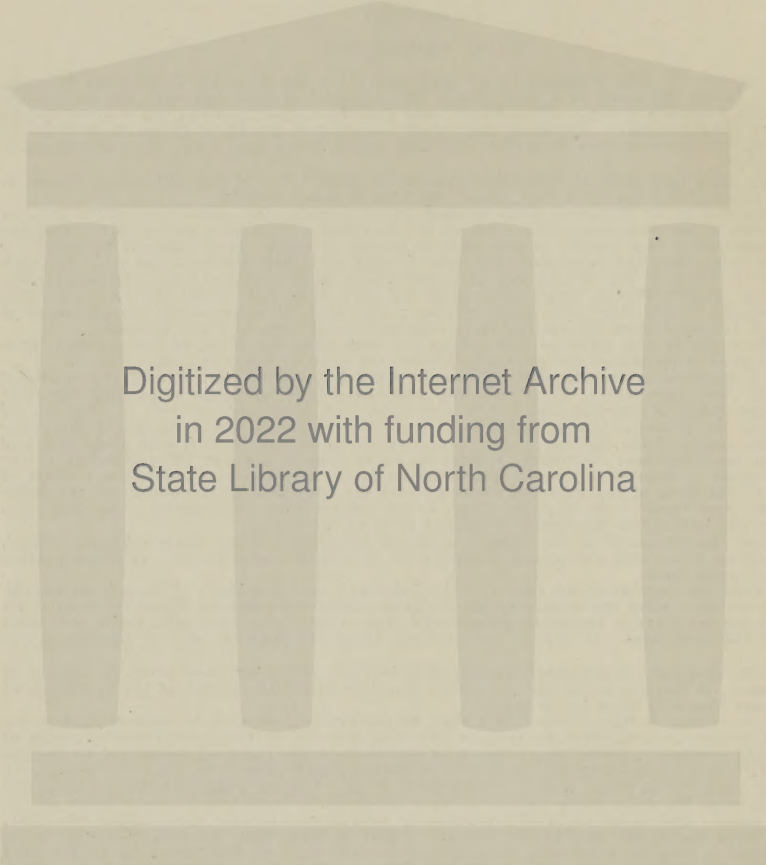
"8. If the demurrer is overruled, answer shall be filed within ten days after the receipt of the judgment, if there is no appeal, or within ten days after the receipt of the certificate of the Supreme Court, if there is an appeal.

"9. If no answer is filed, the plaintiff shall be entitled to judgment by default final or default and inquiry as authorized by sections 595, 596, and 597 of the Consolidated Statutes of 1919, and all present or future amendments of the said sections; and all judgments by default final shall be duly recorded by the clerk and be docketed and indexed in the same manner as judgments rendered in term, and in all respects be and become judgments of the Superior Court and be of the same force and effect as if rendered in term and before a judge of the Superior Court; and in all cases of judgment by default and inquiry rendered by the clerk, the clerk shall docket the case in the Superior Court at term time for trial upon the issues raised before a jury, or otherwise, as provided by law, and all judgments by default and inquiry shall be of the same force and effect as if rendered in term and before a judge of the Superior Court.

"10. No judgment shall be entered by the clerk except as herein otherwise provided, except on a first Monday or a third Monday of the month. The liens of all judgments rendered on the same Mondays shall each be of equal priority, and the first and third Mondays shall be held and construed in determining the priority of judgment liens, as a term of court, and the first day thereof.

"11. If the plaintiff or plaintiffs shall cause a copy of the complaint to be served upon any of the defendants, either at the time of issuing summons or thereafter, then judgment shall be entered by the clerk as to the defendants served on first or third Monday next after the expiration of time to answer.

"12. The clerks of the Superior Courts are authorized to enter the following judgments: (a) All judgments of voluntary nonsuit. (b) All consent judgments (judgments coming within the meaning of (a) and (b) may be entered at any time). (c) In all actions upon notes, bills, bonds, stated accounts, balances struck, and other evidences of indebtedness within the jurisdiction of the Superior Court. (d) All judgments by default final and default and inquiry as are authorized by sections 595, 596, 597, of the Consolidated Statutes, and in this act provided. (e) In all cases where the clerks of the Superior Court enter judgment by



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default final upon any debt secured by mortgage, deed of trust, or other conveyance of any kind, or by a pledge of property, the said clerks of the Superior Court are authorized and empowered to order a foreclosure of such mortgage, deed of trust, or other conveyance, and order a sale of the property so conveyed or pledged upon such terms as appear to be just; and the said clerks of the Superior Court shall have all the power and authority now exercised by the judge of the Superior Court to appoint commissioners to make such sales, to receive the reports thereof, and to confirm the report of sale of or to order a resale, and to that end they are authorized to continue such causes from time to time as may be required to complete the sale, and in the final judgment in said causes they shall order the execution and delivery of all necessary deeds and make all necessary orders disbursing the funds arising from the sale, and may issue writs of assistance and possession upon ten days notice to parties in possession.

"13. Pleadings shall be made up and issues joined before the clerk. After pleadings have been so made up and issues joined, the clerk shall forthwith transmit the original papers in the cause to the court at term for trial upon the issues, when the case shall be proceeded with according to the course and practice of the court, and on appeal with the same procedure as is now in force.

"14. The judge shall, upon such terms as may be just, at any time within one year after notice thereof, relieve a party from a judgment, order, verdict, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect, and may supply an omission in any proceeding. The clerk may hear and pass upon motions to set aside judgments rendered by him, whether for irregularity or under this section, and an appeal from his order on such motion shall lie to the judge at the next term, who shall hear and pass upon such motion *de novo*: *Provided, however*, nothing in this section shall be construed to affect the rights of innocent purchasers for value in foreclosure proceedings where personal service is obtained.

"15. All motions to remove as a matter of right shall be made before the clerk, who is authorized to make all necessary orders, and an appeal shall lie from such order upon such motion to the judge at the next term, who shall hear and pass upon such motion *de novo*.

"16. Motions to remove to the Federal Court shall be made before the clerk, and an appeal shall lie from his order to the judge at the next term, who shall hear and pass upon such motion *de novo*.

"17. If the action is not founded on a contract, or is founded on a contract and the sum demanded exceeds two hundred dollars, a warrant of attachment may be obtained from the judges of the district embracing the county in which the action was begun, or from the clerk of the Superior Court from which the summons in the action issued; and it may be issued to any county in the State where the defendant has property, money, effects, choses in action, or debts due him, and shall be made returnable before the clerk at the same time and place to which the summons is returnable.

"18. Nothing herein contained shall be construed to prevent the resident judge or the judge holding courts in any district from making such orders and decrees as are now provided in injunctions and other provisional and extraordinary remedies, or from extending the time to answer in all cases upon motion upon five days notice as to time and place, which are to be fixed by the judge; and the judge in his discretion may in term time allow any amendment of pleadings on file, or allow the filing of any other pleadings in all cases transferred to the civil issue docket for trial.

"19. Nothing herein contained shall be construed to deprive the clerk of the court, or the parties by agreement, from extending the time for filing the pleadings or perfecting appeals, or agreeing upon the time and place for hearing argument upon the demurrer or other matters, unless otherwise provided by this act.

"19a. When appeals are taken from judgments of the clerk or judge not made in term time, the clerk is authorized to make any and all necessary orders for the perfecting of such appeals.

"20. The Supreme Court is hereby vested with the power to prescribe from time to time the modes of making and filing proceedings, actions, and pleadings, and of entering orders and judgments and recording the same, and to prescribe and regulate the practice on appeals to the Supreme Court, and in the trial of actions in the Superior Court, and before referees: *Provided*, no rule or regulation so adopted shall be in conflict with this act or any of the provisions of the Consolidated Statutes of 1919. Such rules as may be adopted by the Supreme Court shall be printed and distributed by the Secretary of State as are the reports of the Supreme Court."

Ex. 1921, c. 92.

CHAPTER XXVII

COURTS—EMERGENCY JUDGES

1429a. 1. Every justice of the Supreme Court and judge of the Superior Court who has heretofore resigned or retired from office at the end of his term, or who shall hereafter resign or retire at expiration of his term, who has attained the age of seventy (70) years at date of his resignation or retirement, and who has served for fifteen (15) years on the Supreme Court or on the Superior Court, or on the Supreme and Superior Courts combined, shall receive for life two-thirds ($\frac{2}{3}$) of the annual salary now received by the justices of the Supreme Court or judges of Superior Court, respectively, payable monthly.

2. The persons embraced within the provisions of this act are hereby constituted special or emergency judges of the Superior Court under article four (4), section eleven (11), of the Constitution of this State, and are authorized to hold the Superior Courts of any county or district when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same, and to hold special terms when commissioned so to do by the Governor, and as compensation for holding such special terms shall receive their actual expenses and in addition thereto fifty dollars per week, to be paid by the county in which such special term is held.

In case of emergency arising as provided in said section, the Governor shall designate the person to act as emergency judge, who shall receive his actual expenses only incurred while so acting, to be paid by the Treasurer upon warrant of the Auditor, upon certificate of the

judge: *Provided*, that the county asking the Governor for an emergency judge shall have the privilege of requesting the assignment of a particular judge.

3. Such emergency judges shall be subject to all the regulations respecting Superior Court judges except as otherwise provided herein.

1921, c. 125, Ex. 1921, c. 20.

1429b. "1. That special or emergency judges provided for in chapter one hundred and twenty-five, Public Laws of one thousand nine hundred and twenty-one, shall at all times have the same jurisdiction in matters of injunction, receivership, and *habeas corpus* as any other Superior Court judge.

"2. That if any special or emergency judge has made any matters returnable before him, and subsequent thereto he should be called upon by the Governor to hold court elsewhere, said judge shall make an order directing said matter to be heard before some other judge, setting forth in said order the time and place same is to be heard, and send a copy of said order to the attorney or attorneys representing the parties plaintiff and defendant in such matter."

Ex. 1921, c. 94.

CHAPTER XXVII

TERMS OF SUPERIOR COURTS

1443. **FIRST DISTRICT—TYRRELL COUNTY.** "1. There shall be for Tyrrell County two more terms of Superior Court, which shall be held on the following dates: the thirteenth Monday after the first Monday in March, for one week, and the first Monday before the first Monday in September, for one week. Both terms shall be for the trial of civil cases only.

"2. These courts may not be held if it appear to the county commissioners of Tyrrell County that there are not enough cases on the civil docket to justify same. If the commissioners, at any time, shall find that there is not enough work on the civil docket to justify the holding of the said courts, they shall so certify to the judge riding the district that there will not be a court held at that time, and shall also notify the nonresident attorneys who actively practice in Tyrrell County. Such notification shall be at least fifteen days before the beginning of said court.

"3. The Superior Courts of Tyrrell County shall be opened on Tuesday instead of Monday of the terms of court unless the judge says he will come and open courts on Monday."

Ex. 1921, c. 19.

SECOND DISTRICT—EDGECOMBE COUNTY. Insert in line one after the word "Edgcombe" the following words: "Sixth Monday before the first Monday in March."

Insert after the words in said paragraph, "first Monday after the first Monday in September," the following words: "seventh Monday after the first Monday in September."

Insert in line two after the word "on" the following words: "the sixth Monday before."

Insert in line three after the word "beginning" the words "on the first Monday in March and."

NASH COUNTY. In line one after the word "Nash" strike out the word "sixth" and insert the word "fifth."

Ex. 1921, c. 108.

THIRD DISTRICT—BERTIE COUNTY. "The February term of the Superior Court of Bertie County shall hereafter begin on the third Monday before the first Monday in March, and continue for two weeks."

Ex. 1921, c. 45.

SIXTH DISTRICT—DUPLIN COUNTY. Now reads: "Eighth Monday before first Monday in March, third Monday after the first Monday in March, first Monday before the first Monday in September, thirteenth Monday after the first Monday in September, each to continue two weeks for the trial of civil cases only; fifth Monday before first Monday in March, eighth Monday before the first Monday in September, fourth Monday after the first Monday in September, each for one week for the trial of criminal cases only."

SAMPSON COUNTY. In line three strike out the words "second Monday" and insert in lieu thereof the words "first Monday."

Ex. 1921, c. 79.

ONSLow COUNTY. "A term of Superior Court shall be begun and held for the county of Onslow, beginning on the eleventh Monday after the first Monday in September, and to continue for two weeks, for the trial of civil cases only."

DUPLIN COUNTY. "A term of Superior Court shall be begun and held for the county of Duplin, beginning on the thirteenth Monday after the first Monday in September, to continue two weeks, the first week for criminal and civil cases and the second week for civil cases only."

Ex. 1921, c. 78.

EIGHTH DISTRICT—COLUMBUS COUNTY. Strike from the paragraph following the word "Columbus" the words "fifteenth Monday after the first Monday in September, for criminal cases only."

Ex. 1921, c. 40.



NINTH DISTRICT—HOKE COUNTY. In line three of paragraph beginning with the word "Hoke" strike out the word "twelfth" and insert the word "tenth."
Ex. 1921, c. 81.

TENTH DISTRICT. Now reads as follows:

ALAMANCE—First Monday before the first Monday in March, fifteenth Monday after the first Monday in March, third Monday before the first Monday in September, and the twelfth Monday after the first Monday in September, for the trial of criminal cases; fourth Monday after the first Monday in March, one week; ninth Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, two weeks; and the first Monday in September, two weeks, each for the trial of civil cases only.

DURHAM—Second Monday before the first Monday in March, eleventh Monday after the first Monday in March, fifth Monday after the first Monday in September, and the thirteenth Monday after the first Monday in September, each for the trial of criminal cases only; eighth Monday before the first Monday in March, first Monday in March, second Monday after the first Monday in September, eighth Monday after the first Monday in September (each term two weeks), and eighth Monday after the first Monday in March, for the trial of civil cases.

GRANVILLE—Fourth Monday before the first Monday in March, fifth Monday after the first Monday in March, tenth Monday after the first Monday in September, each term for two weeks; sixth Monday before the first Monday in September, seventh Monday after the first Monday in September, for civil cases only.

ORANGE—Tenth Monday after the first Monday in March, fourth Monday after the first Monday in September, for civil cases only; second Monday after the first Monday in March, first Monday before the first Monday in September, fourteenth Monday after the first Monday in September.

PERSON—Fifth Monday before the first Monday in March, seventh Monday after the first Monday in March, fourth Monday before the first Monday in September, sixth Monday after the first Monday in September.
Ex. 1921, c. 36.

ELEVENTH DISTRICT—ASHE COUNTY. "The July terms of the Superior Court of Ashe County shall hereafter be held for the trial of civil cases only.

"The October terms of the Superior Court of Ashe County shall hereafter be held for the trial of criminal cases only: *Provided*, that motions and uncontested civil cases may be heard at said term."

Ex. 1921, c. 32.

SURRY COUNTY. Additional term: "The sixteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only."

Ex. 1921, c. 9.

THIRTEENTH DISTRICT—ANSON COUNTY. Now reads: "Seventh Monday before the first Monday in March, for criminal cases only; first Monday in March, for civil cases only; sixteenth Monday after first Monday in March, to continue for two weeks, the second week to be for civil cases only; first Monday after the first Monday in September, for criminal cases only; third Monday after the first Monday in September, for civil cases only; tenth Monday after the first Monday in September, for civil cases only.

RICHMOND COUNTY. Now reads: "Eighth Monday before the first Monday in March, fifth Monday after the first Monday in March, sixth Monday before the first Monday in September, fourth Monday after the first Monday in September, all for criminal cases; second Monday after the first Monday in March, twelfth Monday after the first Monday in March, fifteenth Monday after the first Monday in March, seventh Monday before the first Monday in September, first Monday in September, ninth Monday after the first Monday in September, thirteenth Monday after the first Monday in September, all for civil cases."

Ex. 1921, c. 16.

FIFTEENTH DISTRICT—RANDOLPH COUNTY. In fifth line after semicolon, insert "eighth Monday after the first Monday in September, to continue for one week, for criminal cases only."

In sixth line, before the period, insert a semicolon, followed by the words, "for the trial of civil cases only."

Ex. 1921, c. 22.

SIXTEENTH DISTRICT—CATAWBA COUNTY. Taken out of the Seventeenth and placed in the Sixteenth District, and courts held as follows: Fourth Monday before the first Monday in March, to continue for two weeks; ninth Monday after the first Monday in March, to continue for two weeks, and for the trial of civil cases only; ninth Monday before the first Monday in September, to continue for two weeks; first Monday in September, to continue for two weeks; tenth Monday after the first Monday in September, to continue for one week, for the trial of criminal cases only.

CALDWELL COUNTY. The term of court formerly held on the tenth Monday after the first Monday in September shall be hereafter begun on the twelfth Monday after the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases.

BURKE COUNTY. The term of court now provided on the thirteenth Monday after the first Monday in September shall hereafter be begun on the fourteenth Monday after the first Monday in September and shall continue for two weeks, but the second week of said term shall be for the trial of civil cases only.

Ex. 1921, c. 47 and c. 90.

SEVENTEENTH DISTRICT—MITCHELL COUNTY. As amended by chapter 166, Public Laws 1921, strike out the word "fifth" in line 32, and insert the word "sixth."

AVERY COUNTY. In line thirty-seven strike out the words "two weeks" and insert the words "one week."

Ex. 1921, c. 33. See, also, 1921, c. 166.

EIGHTEENTH DISTRICT. Now reads:

TRANSYLVANIA—Fifth Monday after the first Monday in March, sixth Monday before the first Monday in September, each to continue for two weeks; twelfth Monday after the first Monday in September, for three weeks. The board of commissioners of Transylvania County may, for good cause, decline to draw the grand jury for the July term of court provided for in this section.

HENDERSON—First Monday in March, to continue for three weeks; fourth Monday after the first Monday in September, to continue for two weeks; twelfth Monday after the first Monday in March, to continue for two weeks, for civil cases only; tenth Monday after the first Monday in September, to continue for two weeks, for civil cases only.

RUTHERFORD—Tenth Monday after the first Monday in March, and eighth Monday after the first Monday in September, each to continue for two weeks; fourth Monday before the first Monday in March, and second Monday before the first Monday in September, each to continue for two weeks, for civil cases only.

MCDOWELL—Second Monday before the first Monday in March, eighth Monday before the first Monday in September, second Monday after the first Monday in September, each to continue for two weeks; sixth Monday before the first Monday in March, to continue for two weeks, for civil cases only.

YANCEY—Third Monday after the first Monday in March, sixth Monday after the first Monday in September, each to continue for two weeks; the second Monday in August, for civil cases only.

POLK—Seventh Monday after the first Monday in March, and first Monday in September, each to continue for two weeks.

Ex. 1921, c. 24.

SUPERIOR COURT CALENDAR, 1923-1924

District	Spring, 1923	Fall, 1923	Spring, 1924	Fall, 1924
1.....	Judge Connor.....	Judge Bond.....	Judge Devin.....	Judge Sinclair
2.....	Judge Kerr.....	Judge Connor.....	Judge Bond.....	Judge Devin
3.....	Judge Daniels.....	Judge Kerr.....	Judge Connor.....	Judge Bond
4.....	Judge Horton.....	Judge Daniels.....	Judge Kerr.....	Judge Connor
5.....	Judge Grady.....	Judge Horton.....	Judge Daniels.....	Judge Kerr
6.....	Judge Calvert.....	Judge Grady.....	Judge Horton.....	Judge Daniels
7.....	Judge Cranmer.....	Judge Calvert.....	Judge Grady.....	Judge Horton
8.....	Judge Sinclair.....	Judge Cranmer.....	Judge Calvert.....	Judge Grady
9.....	Judge Devin.....	Judge Sinclair.....	Judge Cranmer.....	Judge Calvert
10.....	Judge Bond.....	Judge Devin.....	Judge Sinclair.....	Judge Cranmer
11.....	Judge Shaw.....	Judge Lane.....	Judge Bryson.....	Judge McElroy
12.....	Judge Stack.....	Judge Shaw.....	Judge Lane.....	Judge Bryson
13.....	Judge Harding.....	Judge Stack.....	Judge Shaw.....	Judge Lane
14.....	Judge Long.....	Judge Harding.....	Judge Stack.....	Judge Shaw
15.....	Judge Webb.....	Judge Long.....	Judge Harding.....	Judge Stack
16.....	Judge Finley.....	Judge Webb.....	Judge Long.....	Judge Harding
17.....	Judge Ray.....	Judge Finley.....	Judge Webb.....	Judge Long
18.....	Judge McElroy.....	Judge Ray.....	Judge Finley.....	Judge Webb
19.....	Judge Bryson.....	Judge McElroy.....	Judge Ray.....	Judge Finley
20.....	Judge Lane.....	Judge Bryson.....	Judge McElroy.....	Judge Ray

1461. Line 4, strike out word "five" and insert the word "ten."

Line 2, par. 3, strike out the words "without extra pay."

Applicable only to counties in Sixteenth District.

Ex. 1921, c. 57.

1564. Add: "Provided, that the recorder of Cherokee County Recorder's Court shall be paid and shall receive in compensation for his services not less than one hundred dollars (\$100) per month."

P. L. Ex. 1921, c. 136.

1608. In line two, after "fifteenth" add "sixteenth."

Ex. 1921, c. 59.

CHAPTER XXXIV

ESTATES

1744. Par. 2, insert after the word "estate": "and after the sale of such property all proceedings hereunder, where there is a life estate, in lieu of said interest or investment of proceeds to which the life tenant would be entitled to, or to the use of, the court may in its discretion order the value of said life tenant's share during the probable life of such life tenant to be ascertained as now provided by law, and paid out of the proceeds of such sale absolutely, and the remainder of such proceeds be reinvested as herein provided."

Ex. 1921, c. 88.

CHAPTER XXXV

FENCES AND STOCK LAW

1841-1864. "On and after the first day of July, one thousand nine hundred and twenty-two, the entire county of Brunswick is hereby declared to be in 'stock-law territory,' and shall be subject to all provisions of article three, chapter thirty-six, Consolidated Statutes, the same being sections one thousand eight hundred and forty-one to one thousand eight hundred and sixty-four of the Consolidated Statutes."

Ex. 1921, c. 34.

"That section one of chapter fifty of the Public Laws of one thousand nine hundred and twenty-one, be amended by adding at the end of section one the following words: *Provided further*, that this act shall not apply to Cedar Island and Hog Island in Carteret County."

Ex. 1921, c. 203.

"That the proviso set out in section one of chapter fifty, Public Laws of one thousand nine hundred and twenty-one, shall not apply to the islands situated in the waters of the sounds along the mainland between the Carteret County line at the edge of the Atlantic Ocean and the Pender County line at the edge of the Atlantic Ocean, and that all such islands situated in such waters adjacent to the mainland of Onslow County are hereby declared to be stock-law territory within the provisions of chapter fifty, Public Laws of one thousand nine hundred and twenty-one."

Ex. 1921, c. 204.

CHAPTER XXXVI

FISH AND FISHERIES

1869. Amend by striking out all of the last paragraph of the said section relating to the pay of the members of the Fisheries Commission Board and substituting therefor the following: "The chairman of the Fisheries Commission Board shall receive a salary of three hundred dollars (\$300) per year, payable monthly, together with traveling expenses while attending meetings of the board. The other four (4) members of the board shall receive five dollars (\$5) per day each and traveling expenses while attending meetings of the board."

SEC. 2. That the last paragraph of section two (2) of chapter one hundred and ninety-four (194), Public Laws of one thousand nine hundred and twenty-one, relating to tax on oysters, be and the same hereby is repealed.

Ex. 1921, c. 42.

1893. Amend by striking out after the words "coon oysters," in line five, the words "three-quarters of a cent," and inserting the words "one cent," so that said section shall read: "oysters, two cents a bushel, except coon oysters, one cent a bushel."

Amend by striking out all of line 12 and inserting the following: "Shrimps, when cooked, one-quarter of a cent per pound; when green, one-eighth of a cent per pound."

Ex. 1921, c. 42.

1905. Line 13, strike out the word "minimum" and insert "maximum."

Ex. 1921, c. 46.

1993. Line 4, insert after the word "road" the words "and Stony Run in Harnett County."

P. L. Ex. 1921, c. 237. See, also, P. L. 1921, c. 185.

1993. As amended by Chapter 185, P. L. 1921. Insert in section 1, line 10, after the word "road," the words "and Stony Run in Harnett County."

P. L. Ex. 1921, c. 237.

2021a. Bertie and Hertford Counties. 1. It shall be unlawful for any person or persons to fish in any way, other than with hook and line, in the waters of Keels Creek and Currituck Bay in Hertford and Bertie counties up to a line extending from Gum Point to Cow Island Point.

2. Any person or persons fishing, or catching any fish with nets, traps, baskets, seines, or in any other way than provided in section one of this act, in the waters therein defined, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

P. L. Ex. 1921, c. 157.

2034a. Caldwell County. Unlawful to fish in any other manner than by hook and line in the Yadkin River or its tributaries in Caldwell County.
P. L. Ex. 1921, c. 244.

2047b. Cumberland County. 1. That it shall be unlawful for any person to trap or net fish, or use seines or set hooks, in any running stream in Cumberland County, without permission of the owner of the land through which streams run.

2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) or more than two hundred dollars (\$200), or imprisoned not less than sixty days, or more than four months, or both in the discretion of the court. This act shall not apply to Cape Fear River.
P. L. Ex. 1921, c. 152.

2072a. Richmond County. 1. It shall be unlawful for any person, firm or corporation to catch, take, or kill in the waters of Richmond County any fish in any manner whatsoever, except with a hook and line.

2. It shall be unlawful to fish in the waters of Richmond County with seines, nets, baskets or traps, and it shall be unlawful to kill or take any fish in the waters of Richmond County by means of gigs, paddles, or explosives, and it shall be unlawful to kill or take any fish in the waters of Richmond County by shooting said fish or shooting into the waters of Richmond County.

3. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days, in the discretion of the court: *Provided*, none of the provisions of this act shall apply to fish or fishing in the waters of the Pee Dee River in said county.
P. L. Ex. 1921, c. 145.

2078. Trout. Unlawful to fish for trout in any stream in Jackson County except between April 15 and August 15. Violations subject to fine of not less than twenty-five dollars or imprisonment for not less than thirty days.

There shall be a closed season for trout until January 1, 1924.

P. L. Ex. 1921, c. 156.

CHAPTER XXXVIII

GAME LAWS

2109. Bladen County. Unlawful to hunt, kill or destroy male deer in Bladen County, from December 1 to November 15.

P. L. Ex. 1921, c. 199, s. 3.

Unlawful to kill female deer.

P. L. Ex. 1921, c. 199, s. 4.

Burke County. Unlawful to kill deer for a period of five years from December 19, 1921. Violation subject to fine or imprisonment, or both.

P. L. Ex. 1921, c. 213, s. 3, 12.

Caswell County. Unlawful to hunt deer with dogs.

P. L. Ex. 1921, c. 206.

Halifax County. Closed season: February 1 to September 1.

P. L. Ex. 1921, c. 89.

Harnett County. Unlawful to hunt deer except during open season, which shall be from "the first day of November till the fifteenth of November, both days inclusive, in any year."

P. L. Ex. 1921, c. 149.

Hyde County. Closed season: February 1 to September 1.

P. L. Ex. 1921, c. 120, s. 2.

Jackson County. Closed season: November 15 to November 1. "There shall be a closed season for deer until January 1, 1924. Violation subject to fine of fifty dollars or imprisonment for sixty days."

P. L. Ex. 1921, c. 156, s. 1, s. 6.

Yadkin County. Closed season: February 1 to Thanksgiving Day.

P. L. Ex. 1921, c. 132, s. 2.

2110. Alexander County. Closed season for foxes is from February 15 to October 1.

P. L. Ex. 1921, c. 32.

Burke County. Unlawful to kill or trap any fox at any time. The closed season for hunting foxes is from March 1 to September 1.

P. L. Ex. 1921, c. 213.

2111. Burke County. Closed season: February 15 to October 1.

P. L. Ex. 1921, c. 213.

Yadkin County. Closed season for hunting opossums is from March 1 to October 1.

P. L. Ex. 1921, c. 132, s. 6.

2112. Lincoln County. Closed season for hunting rabbits is from February 1 to December 1. Violation subject to fine of fifty dollars or imprisonment for not more than thirty days.

P. L. Ex. 1921, c. 47.

Yadkin County. Closed season: September 1 to Thanksgiving Day.

P. L. Ex. 1921, c. 132, s. 5.

2113. *Burke County.* Closed season for hunting coon is from February 15 to October 1.
P. L. 1921, c. 213, s. 3.

2114. *Bladen County.* Closed season for hunting squirrels is from January 15 to November 15.

P. L. 1921, c. 199, s. 1.

Burke County. Closed season: March 1 to September 1.

P. L. 1921, c. 213, s. 3.

Granville County. Closed season: February 1 to August 15.

P. L. Ex. 1921, c. 221.

Halifax County. Closed season: February 1 to September 1.

P. L. 1921, c. 89.

Jackson County. "Unlawful to hunt or kill grey squirrels, except between October 15 and December first." Violation subject to fine of twenty-five dollars or imprisonment for thirty days. "But a closed season for squirrels shall continue until January 1, 1924, but the closed season shall not apply to persons hunting on their own lands."

P. L. Ex. 1921, c. 156, s. 2.

Yadkin County. Closed season: May 1 to September 1.

P. L. Ex. 1921, c. 132, s. 7.

2116. *QUAIL. Alexander County.* Unlawful to kill, hunt or trap quail for a period of five years in Wittenburg Township. Violation subject to fine of fifty dollars or imprisonment for thirty days.

P. L. Ex. 1921, c. 33.

Beaufort County. Closed season: February 15 to November 15.

P. L. Ex. 1921, c. 139.

Bladen County. Closed season: February 1 to November 15.

P. L. Ex. 1921, c. 199.

Burke County. Closed season: February 1 to November 15.

P. L. Ex. 1921, c. 213.

Granville County. Closed season: February 1 to November 1.

P. L. Ex. 1921, c. 221.

Jackson County. Closed season: January 1 to November 15. "But no quail shall be killed at any date before January 1, 1924."

P. L. Ex. 1921, c. 156.

Pamlico County. Closed season: February 14 to November 14.

P. L. Ex. 1921, c. 29.

Polk County. Closed season: February 15 to November 15.

P. L. Ex. 1921, c. 94.

Rutherford County. Closed season: February 15 to November 15.

P. L. Ex. 1921, c. 94.

Yadkin County. Closed season: February 1 to Thanksgiving Day.

P. L. Ex. 1921, c. 132.

2117. *WILD TURKEYS. Bladen County.* Closed season: January 15 to November 15, both dates inclusive.

P. L. Ex. 1921, c. 199.

Burke County. Unlawful to kill wild turkeys for a period of five years from December 19, 1921.

P. L. Ex. 1921, c. 213.

Jackson County. Closed season: January 1 to November 15. "No wild turkeys shall be killed before January 1, 1927."

P. L. Ex. 1921, c. 156, s. 3.

Pender County. Closed season: February 16 to November 15.

P. L. Ex. 1921, c. 92.

Yadkin County. Closed season: February 1 to Thanksgiving Day.

P. L. Ex. 1921, c. 132.

2119. *PHEASANTS. Jackson County.* Closed season: January 1 to November 15.

P. L. Ex. 1921, c. 156.

Richmond County. Unlawful to kill pheasants for three years from December 1, 1921.

P. L. Ex. 1921, c. 40.

Moore County. Unlawful to kill pheasants for three years from December 1, 1921.

P. L. Ex. 1921, c. 40.

Rutherford County. Unlawful to kill before January 15, 1929. Penalty for violation, fine of from ten to fifty dollars for each offense.

P. L. Ex. 1921, c. 65.

2120. *WOODCOCK. Yadkin County.* Closed season: February 1 to Thanksgiving Day.

P. L. Ex. 1921, c. 132.

2121. *ANY GAME BIRDS. Burke County.* Closed season for wild duck: February 1 to November 15.

P. L. Ex. 1921, c. 213.

2130. Chatham and Lee counties, law as to sale of wild turkeys:

1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any wild turkey in Chatham or in Lee counties.

2. Any one violating the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

P. L. Ex. 1921, c. 134.

Gaston County law as to selling quail:

1. It shall be unlawful for any person, firm or corporation to sell or offer for sale quail or partridges within the county of Gaston.

2. It shall be unlawful for any person, firm or corporation to carry or ship, or in any manner to transport quail out of said county to any other place for the purpose of selling same, and the fact of taking quail out of said county shall be *prima facie* evidence that such quail were taken out of said county for the purpose of sale. The possession of any quail or partridge by any produce dealer, markets or stores, within the above named county shall be *prima facie* evidence of the violation of this act.

3. Any person, firm or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

P. L. Ex. 1921, c. 184.

Mecklenburg law (P. L. 1921) repealed.

Purchase of game forbidden.

P. L. Ex. 1921, c. 131.

Yadkin. Unlawful to sell or offer for sale or have in possession for sale quail, partridge, woodcock or other game birds.

P. L. Ex. 1921, c. 132.

2139. Dare County game law:

1. All existing laws and clauses of laws relating to shooting wild fowl in Dare County are hereby repealed and the following is hereby enacted in lieu thereof.

2. The board of county commissioners of Dare County is hereby constituted a "Game Protection Commission" for said county, the duties of which shall be to supervise the protection of wild fowl and other game therein, and direct the methods of enforcing the laws relating to the same, as hereinafter provided. The register of deeds shall be clerk to the said "Game Protection Commission."

3. To enable the said "Game Protection Commission" to properly perform the duties devolving upon the same in the enforcement of existing laws relating to shooting wild fowl in said county and such laws relating to the same as may hereinafter be enacted, the said board shall, at the regular meeting of the board of commissioners of Dare County in January, one thousand nine hundred and twenty-two, and annually thereafter, appoint a chief game warden of said county, who shall hold his office for one year from the date of qualification and until his successor shall be appointed and qualified, whose duties it shall be to diligently enforce all the game laws of Dare County and all State laws relating to game of any nature applying to said county, who shall take and subscribe before the clerk of the Superior Court of Dare County, before entering the discharge of his duties, an oath to faithfully perform all the duties of his said office, make diligent inquiries as to violators of the laws relating to shooting of wild fowls and other game in violation of law, within the limits of said county and prosecute all violating any of said laws. He shall enter into a good and sufficient bond to be approved by the board of commissioners of said county, in the sum of five hundred dollars, for the faithful performance of his said duties and shall make monthly reports in writing to the "Game Protection Commission" of the manner in which he has performed his duties, as above set forth.

4. If deemed advisable by the said "Game Protection Commission," the said commission may from time to time appoint such deputy game wardens for such sections or townships in said county as may be deemed necessary for the better enforcement of the laws relating to shooting or taking wild fowl and other game in said county, said deputy wardens to hold their office at the pleasure of the "Game Protection Commission" and to perform their duties in the localities designated by the same. Said deputy game wardens shall take and subscribe the oath prescribed for the chief game wardens, and shall execute a good and sufficient bond in the sum of one hundred dollars, to be approved by the board of county commissioners for the faithful performance of their duties, and shall make reports of the manner in which same have been performed monthly, to the "Game Protection Commission."

5. Any nonresident of North Carolina who desires to shoot or trap wild fowl or other game in Dare County shall make application to the clerk of the Superior Court of said county for license therefor before engaging in shooting or trapping, and shall pay a license tax of ten dollars, with fifty cents additional fees to the clerk for issuing said license. All licenses issued by the clerk shall expire at the termination of the hunting season for which issued. Such licenses shall be in such form as the "Game Protection Commission" shall prescribe and shall authorize the holder thereof to hunt only in Dare County in the manner and under conditions regulating hunting or shooting in said county. Such license shall not authorize the holder thereof to shoot wild fowl afloat, except as hereinafter provided: *Provided*, any resident of Atlantic Township in Dare County may be licensed by the clerk of the Superior Court of Currituck County, as now provided by law to take nonresident hunters on that portion of Currituck Sound, south of a line and extending due west to the main land of Currituck County. Said line being a continuation of a line defining the northern boundary of Atlantic Township, Dare County, as established by E. R. Johnson and B. G. Crisp, commissioners appointed for said purpose. And any resident of Currituck County may be licensed by the proper authority in Dare County to shoot or hunt and take out nonresident hunters on the waters of that part of Currituck Sound which formerly belonged to Currituck County, but now belonging to Dare County.

6. The funds received by the clerk of the Superior Court for hunting license, as herein provided, shall (other than the fifty cents for the clerk's fee) be turned over to the county treasurer, who shall place one-half of the same to the credit of the general school fund of the county, and the remainder to the credit of the "Game Protection Commission," to be paid out by order of said commission. The proceeds of said license tax placed to the credit of the "Game Protection Commission" may be used as a game protection fund for the payment of the chief game warden and the deputy game wardens appointed as herein provided to be

fixed by the said "Game Protection Commission," and any residue of said fund remaining unused June thirtieth, of any year, shall be placed in the general county funds of said county.

7. It shall be unlawful for any nonresident of the State of North Carolina to shoot wild fowl afloat in any of the waters of Dare County, as the boundary lines of said county now exist, except from a boat, box, float or battery owned by a resident of said county, and upon which said resident shall have procured from the clerk of the Superior Court of Dare County a license permitting said owner to use the same in providing facilities for nonresidents of the State to shoot wild fowl afloat, and no nonresident of the State who has not first obtained individual license from the clerk of the Superior Court of Dare County, as above provided, shall be permitted to use such box, boat, float, or battery for shooting wild fowl in the waters of said county.

8. Upon each boat, box, float or battery used by a resident for providing facilities for shooting wild fowl by nonresidents of the State, as provided in the preceding section, such residents shall pay an annual license tax of five dollars, license to be issued by the clerk of the Superior Court of said county, and an additional fee of fifty cents to the said clerk for issuing said license.

9. The provisions of this act shall apply to all the territory within the boundaries of Dare County as now constituted.

10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined for first offense not less than ten nor more than fifty dollars, or imprisoned not more than thirty days, and for each subsequent offense shall be fined or imprisoned in the discretion of the court.

P. L. Ex. 1921, c. 36.

2079-2139. Robeson County local game law:

1. The board of commissioners of Robeson County are hereby fully authorized and empowered to limit, regulate or abolish the open seasons for the killing and trapping of game birds of all kinds in Robeson County as in their discretion may seem best for the interest of agriculture in said county.

2. This act shall not be construed so as to enlarge the open seasons, or other regulations and limitations now placed by general or special law on the killing or trapping of game birds in Robeson County, but shall operate as full and complete authority to said board of commissioners to limit, regulate or abolish the said open seasons, for the killing of game birds, and to prescribe such charges or license fees, and requirements, and regulations for the killing and trapping of game birds in said county, or to prohibit the same for such period or periods as may be desired by said board of commissioners.

P. L. Ex. 1921, c. 15.

CHAPTER XLVI

LANDLORD AND TENANT

2373. That chapter ninety, section two, of the Public Laws of one thousand nine hundred and twenty-one, amending chapter forty-six, article three, section two thousand three hundred and seventy-three of the Consolidated Statutes, providing for the speedy trial of summary actions in ejectment, be and the same is hereby amended by striking out the word "Forsyth" in the second line of said section.

Ex. 1921, c. 17.

CHAPTER LV

MOTOR VEHICLES

2598 *et seq.* 1. The Secretary of State be, and he is hereby authorized, to appoint, in his discretion, one or more discreet persons who shall be known as "Automobile Inspectors," and who, when commissioned and qualified as hereinafter provided, shall have the same police power in cases of the violations of the automobile laws as are now conferred on sheriffs, police, marshals, and other officers under chapter 55 of the Consolidated Statutes, and such powers shall run in all counties within the State.

2. Each inspector, before assuming his duties, shall be commissioned by the Governor and shall qualify before the clerk of the Superior Court of his county by taking the oath prescribed by law for justices of the peace.

3. Such inspectors may serve without compensation, or may receive such compensation as the Secretary of State may deem necessary, to be paid from the automobile fund provided for under chapter 2, Public Laws of 1921, by warrant of the Auditor on the Treasurer: *Provided*, said compensation shall be approved by the Governor and Council of State.

4. It shall be the duty of all sheriffs, police officers, deputy sheriffs, deputy police officers, and all other officers within the State to cooperate with and render all assistance in their power to the inspectors herein provided for, and nothing in this act shall be construed as relieving said sheriffs, police officers, deputy sheriffs, deputy police officers, and other officers of the duties imposed on them by chapter 55 of the Consolidated Statutes.

5. All display numbers issued by the Secretary of State under chapter 55 of the Consolidated Statutes and amendments thereto shall be and remain the property of the State, and it shall be lawful for the Secretary of State or his agent to summarily take possession of any number which he has reason to believe is being illegally used, and to keep in his possession such number pending investigation and legal disposition of the same.

6. Any person who shall apply for the registration of a motor vehicle to the Secretary of State, and who shall willfully give or cause to be given a worthless check in payment therefor, or a fictitious, incomplete, or assumed name on the application for registration, or shall make any statement in connection with the application for registration with the intent to defraud the State, or who shall knowingly give a wrong postoffice address or any other information for the purpose of willfully hindering identification, or who shall knowingly use or

allow to be used unlawfully any license number plate issued by the Secretary of State, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

7. It shall be the duty of each and every registered owner of a motor vehicle to keep the display number plate assigned to such motor vehicle reasonably clean and free from dust and dirt, and such registered owner, or any person in his employ, or who operates such motor vehicle by his authority, shall, upon the request of any proper officer immediately clean such display plate so that the numbers thereon may be readily distinguished, and any person who shall neglect or refuse to so clean a display number plate, after having been requested to do so, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

8. Any person who shall willfully and with intent to defraud the State of registration fees due, operate a motor vehicle with a display number plate which has been repainted, or altered, or forged, or which was issued by the Secretary of State for a motor vehicle other than the one on which used, shall be guilty of a misdemeanor.

9. Any operator of a motor vehicle who shall willfully and with intent to conceal the identity of such motor vehicle, or the identity of the registered owner thereof, mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire-rack, strap, or other device, or who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a display number plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such display number plate for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall display a number plate in other than a horizontal upright position, shall be guilty of a misdemeanor.

10. Any registered owner of a motor vehicle who shall knowingly allow or permit the use of a display number plate issued to him to be taken from the motor vehicle for which it was issued and used on another motor vehicle by another person, shall be guilty of a misdemeanor.

11. That section 2610 of the Consolidated Statutes, relating to the registration and licensing of dealers, be and the same is hereby repealed, and the following inserted in lieu thereof:

"2610. *Special numbers to dealers.* Every person, firm, association, or corporation manufacturing or dealing in motor vehicles may, instead of registering such motor vehicles so manufactured or dealt in, make application upon a blank to be furnished by the Secretary of State for a general distinctive number for all motor vehicles owned or controlled for purposes of sale by such manufacturer or dealer, such application to contain such information as to name, style, and class of cars manufactured or dealt in by such person, firm, association, or corporation as the Secretary of State may require; and upon the payment of the registration fee hereinafter provided for, such person, firm, association, or corporation shall be assigned a distinctive number, together with a certificate of registration, made in such form and containing such information as the Secretary of State shall determine; and every motor vehicle owned or controlled by such manufacturer or dealer, except as hereinafter provided, shall be regarded as registered under and having assigned to it such general distinguishing number until sold or otherwise disposed of. No manufacturer or dealer shall operate any motor vehicle so registered for any other purpose than the trial or adjustment of such motor vehicle, or for its demonstration to a prospective buyer, or for some purpose incidental to the legitimate business of manufacturing, purchasing, exhibiting, selling, or repairing motor vehicles by such manufacturer or dealer. No motor vehicle registered under the provisions of this section shall be rented for hire or used for the purpose of conveying passengers or freight for hire. No person other than a *bona fide* manufacturer or dealer shall obtain or use a registration certificate or the corresponding number plate issued by authority of the provisions of this section; and no person who shall have registered a motor vehicle under the provisions of this section shall loan his number plate to any person. No registration of any manufacturer or dealer shall be transferable. The Secretary of State may at any time require that a manufacturer or dealer in motor vehicles shall prove that he is a *bona fide* manufacturer or dealer, and failure to so prove shall be sufficient cause for the cancellation of the registration of such manufacturer or dealer, and the Secretary of State shall take possession of and cancel the display numbers issued. No manufacturer or dealer, or any employee of such manufacturer or dealer, shall cause or permit the display or other use of any number plate or certificate of registration which may have been furnished to such manufacturer or dealer under the distinctive number herein provided for, except upon motor vehicles owned by such manufacturer or dealer within the meaning and intent of this section, and no person shall display or otherwise use or have in his possession for the purpose of using any registration certificate or display number, except such manufacturer or dealer, or his employees: *Provided*, that if the Secretary of State, upon receiving from any manufacturer or dealer an application for the issuance for the ensuing registration year of a certificate of registration and general distinguishing number provided for in this section, shall determine, upon due cause, that such manufacturer or dealer during the previous registration year has failed to comply with the requirements of this section respecting the use of numbers or filing of reports required by section 2606 of the Consolidated Statutes, the Secretary of State may refuse such application. Any person violating any provision of this section shall be guilty of a misdemeanor."

12. That section 23, chapter 2, Public Laws of 1921, be and the same is hereby amended by striking out the words "registration fee and first five plates," in line 28 thereof, and insert in lieu thereof the words "registration fee and first plate."

13. That chapter 64, Public Laws, Extra Session of 1920, be and the same is hereby repealed, and it shall be unlawful for any motor vehicle mentioned therein to be operated on the public highways of this State from and after June 30, 1922, without having first been duly registered in the office of the Secretary of State as required by chapter 55 of the Consolidated Statutes and acts amendatory thereof: *Provided*, that the Secretary of State, upon proper proof being filed with him that any motor vehicle for which license is herein required is owned by the State or any department thereof, or by any county, township, city, or town, or by any board of education, may collect not exceeding one dollar for the registration and numbering of such motor vehicle: *Provided further*, that the term "owned" shall be construed to mean that such motor vehicle is the actual property of the State or some depart-

ment thereof, or of the county, township, city, or town, or of the board of education, and no motor vehicle which is the property of any officer or employee of any department named herein shall be construed as being "owned" by such department. Any person operating a motor vehicle in violation of any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Ex. 1921, c. 97.

2618. Line 5, strike out the word "eighteen" and insert the word "twenty."
Line 8, strike out the word "twenty-five" and insert the word "thirty."

Ex. 1921, c. 98.

CHAPTER LVI

MUNICIPAL CORPORATIONS

2623. Line 3, subsection 6, insert between the words "lease" and "any": "upon such conditions and with such terms of payment as the city or town may prescribe."

Ex. 1921, c. 58.

2787. Add to article 15, part 1: Subsec. 39. Every incorporated city or town in the State, in addition to the other powers granted unto it by chapter fifty-six of the Consolidated Statutes, shall have the following enumerated powers:

Whenever there shall be in any incorporated city or town a lot or lots owned by one or more persons, upon which water shall collect, either by falling upon the said lot or lots or collected thereon by drainage or otherwise from adjacent lots, no adequate drainage from which is provided by natural means, the governing body of any such city or town, upon being advised by the health officer of the said city or town, or the health officer of the county in which the town is located, that the conditions so existing are, or are liable to become, a nuisance and a menace to health in such city or town, is authorized to abate the nuisance, and to that end may proceed to abate it in the following manner:

Such city or town shall cause a survey to be made by a competent engineer to ascertain the means and methods and costs of providing an adequate drainage from such lot or lots and such engineer shall prepare plans and specifications to provide such drainage, with the estimated cost thereof, and in making such survey he shall include therein the area of adjoining and adjacent lots which will be drained by such system of drainage. He shall also include in such survey the area of all adjoining and adjacent lots from which water flows and is gathered upon the lot or lots which are to be drained. The city or town shall thereupon cause notice to be served upon the owner of the lot or lots drained and the owners of such adjacent lots as shall be affected, as herein set forth, which notice shall state, in general and briefly, the fact that a nuisance had been created and so declared; that it is the purpose of the city or town to abate the same by causing a system of drainage to be put in, and the assessed cost against every such owner as hereinafter provided; that the report of the engineer is on file and subject to inspection, and that on a date to be named in the notice a hearing will be had before the board as to whether the plan shall be adopted and the assessment shall be made, at which hearing the persons affected may be present and present such objections as they may have to the adoption of the report of the engineer and the doing of the work.

At the hearing provided for, if the governing body of the city or town shall determine that the work shall be done, and that the plans and specifications of the engineer are proper, it may adopt the said plans and specifications, and have the work done, either by letting a contract therefor or otherwise, and in the event a contract is let, it shall be advertised as is provided for in other cases of municipal work.

Each and every owner of a lot affected by the plan or system shall be assessed with the costs thereof, upon the following basis, that is to say: He or she shall pay such proportion of the total cost as the area of his or her lot may bear to the total area, as shown by the plans of the engineer when adopted by the governing body, which said sum shall be due in such annual installments as the governing body may determine, which shall not exceed five in number, and such installments shall bear interest.

The area which shall be included within and drained by the plans and specifications as herein provided for is hereby declared to be a "special improvement district."

For the purpose of enabling the governing body of the city or town to obtain money with which to pay for the improvements herein authorized to be made, such governing body is hereby authorized and empowered to execute the notes of such city or town, payable in such installments as are the assessments, and the assessments made shall be pledged for the payment of the said notes; such notes shall bear a rate of interest not exceeding six per cent, and may be sold publicly or privately at not less than par and accrued interest, and shall be due in not more than five years, and at such time and in such installments as the assessments made shall be due: *Provided*, the due date of the notes may be made sixty days after the due date of any of the assessments.

The full faith and credit of such city or town shall be pledged for the payment of the said notes and interest when due.

The powers herein contained and hereby conferred are additional to any other powers conferred by any other law or laws, and are not affected by any limitations imposed by any other act, including acts already or hereafter passed at this session of the General Assembly.

The assessments, when made, shall be a lien upon the property benefited, and shall be collectible by the same means and methods as are other assessments for local or special improvements as is provided for in article nine of chapter fifty-six of the Consolidated Statutes.

Ex. 1921, c. 21.

CHAPTER LXVI

PROHIBITION

3401. Line 2, strike out the words "the sum of twenty dollars" and insert: "the net proceeds of sale of the copper or other material out of which the still was made." Applies only to Nash County.

P. L. 1921, c. 121.

CHAPTER LXX.

ROADS AND HIGHWAYS

3836. Add at end of section: "*Provided*, that in any township where the public roads system does not provide for a board of supervisors for said township, then the relief provided by this section may be had by petition from any citizen or citizens addressed to the county commissioners or that body which has jurisdiction over the construction, maintenance, and repair of the public roads of the county, and the procedure in such case shall conform to the procedure outlined in this section."

"*Provided*, that wherever any private passage-way that has been in use has become practically impassable or unreasonably inconvenient, a new or improved passage-way or cartway may be opened, within the discretion of the board in charge of the public roads, in the township in which said passage-way or cartway lies, in accordance with the purport and procedure of this section."

Ex. 1921, c. 73.

CHAPTER LXXI

FEES AND SALARIES

3877. Line 2, strike out the words "three thousand" and insert "four thousand five hundred."

Ex. 1921, c. 53.

3908. Line 79, add at the end: "*Provided*, that this shall not apply to the sheriff of Wake County, who shall receive one dollar for every execution, either in civil or criminal cases."

P. L. Ex. 1921, c. 103.

3908. As amended by chapter 578, P. L. 1921: In line 2 of section 2, insert the word "Cabarrus" between the words "Granville" and the word "Bertie."

P. L. Ex. 1921, c. 71.

3923. As amended by chapter 113, 1921, insert in line 8, between the words "Jones" and the word "and," the word "Pamlico."

P. L. Ex. 1921, c. 83.

As amended by chapter 113, 1921, insert in line 6, between the words "Mitchell" and "Orange," the word "Onslow."

P. L. Ex. 1921, c. 85.

As amended by chapter 113, 1921, in line 8, section 2, strike out "and" and add "and Richmond."

Ex. 1921, c. 38.

As amended by chapter 113, 1921, in line 8, section 2, insert between the words "Jones" and "and" the word "Cabarrus."

Ex. 1921, c. 65.

As amended by chapter 113, 1921, add at end of section 2 the words "Randolph, Polk, Henderson, Harnett, Bladen and Burke."

Ex. 1921, c. 67.

CHAPTER LXXVIII

TRUSTEES

4018. Add: "That guardians, executors, administrators, trustees and others acting in a fiduciary capacity, be and they are hereby authorized to invest funds in their hands as such fiduciaries in bonds issued by any county of the State of North Carolina subsequent to January first, one thousand nine hundred and fifteen, in the same manner, to the same extent, and with the same legal consequence as fiduciaries are now authorized to invest such funds in bonds of the State of North Carolina under the provisions of section four thousand eighteen of the Consolidated Statutes."

Ex. 1921, c. 63.

CHAPTER LXXXI

WILLS

4151. Strike out "twenty" at end of section and insert "twenty-two."

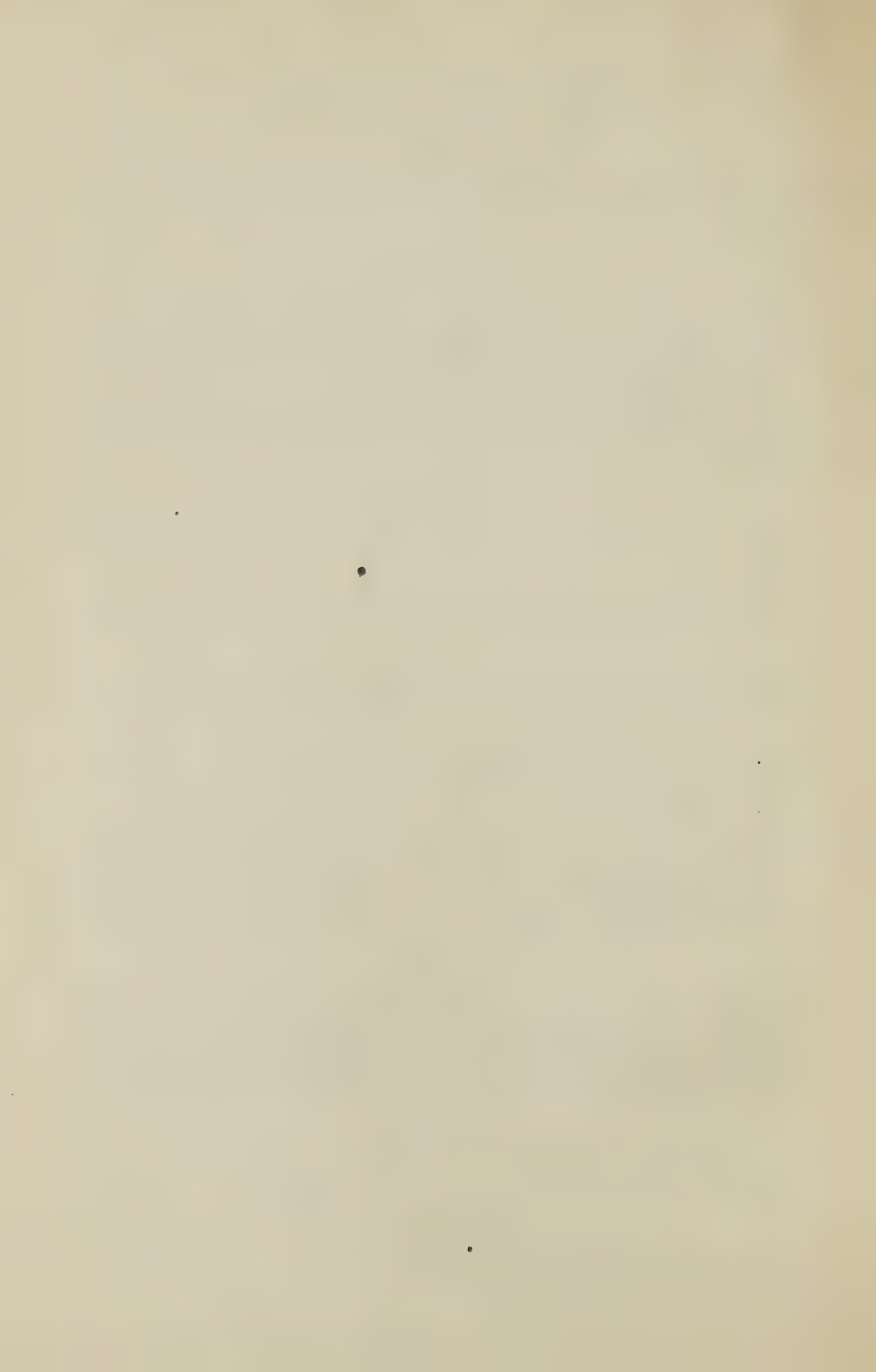
Ex. 1921, c. 39.

CHAPTER LXXXIV

AGRICULTURE

4943. In line 13, strike out "fifty" and insert "one hundred."

Ex. 1921, c. 72.



CHAPTER XCIV

DRAINAGE

5362. Add at end of section: "*Provided*, that if at any such sale the sheriff or tax collector shall receive no bid for any such land which may be offered for sale equal to all assessments then due, whether the same be the assessments due for the next preceding year or for any prior thereto, together with interest and cost, then the board of drainage commissioners of the district embracing such lands shall be deemed the purchaser at said sale, and said board shall thereupon have such right to receive a certificate or deed therefor, and shall have every right of foreclosure for the purpose of enforcing collection for the same as is now or hereafter may be conferred upon boards of county commissioners: *Provided further*, that the provisions of this amendment shall apply only to the county of Harnett."

P. L. Ex. 1921, c. 212. Applicable to Harnett County only.

5369. Add: "5369a. *Fees of county treasurers for collection and disbursement of Assessments for maintenance of drainage districts.* The fee allowed the county treasurer of any county in which a drainage district has been heretofore or may hereafter be organized and established under this chapter, or under any laws in force prior to the enactment of the Consolidated Statutes of North Carolina for receiving and disbursing the funds collected and arising from assessments in such districts for maintenance of such districts, shall be one per cent of the amounts disbursed by them: *Provided*, that in those counties where the county treasurers are on a salary basis no fees whatever shall be allowed for collecting or disbursing the funds of the districts: *Provided further*, that this section shall be construed and interpreted to embrace and provide for all cases where the county treasurers of any county in the State have received and disbursed such maintenance assessments in any drainage district in North Carolina, organized and established since the enactment and ratification of chapter four hundred and forty-two of Public Laws of one thousand nine hundred and nine, ratified the fifth day of March, one thousand nine hundred and nine, or since the enactment of any amendments to the said acts, and that all county treasurers who have received and disbursed such maintenance assessments for any drainage district since the enactment of the two acts above mentioned, or any amendments hereto, shall be entitled to receive the commissions provided herein, as fully to all intents and purposes as if this act had been enacted and ratified on the fifth day of March, one thousand nine hundred and nine."

P. L. Ex. 1921, c. 216.

CHAPTER XCV

EDUCATION

5473. Amend to read: "The county board of education is hereby authorized and empowered to redistrict the entire county, or any part thereof, and to consolidate school districts, or parts of districts, and to establish new districts whenever and wherever in its judgment the redistricting or the consolidation of districts will better serve the educational interests of the township or the county, or any part of the county."

Ex. 1921, P. L. c. 236.

5488. Strike out all of section after the words "civil procedure," in line 9, and add: "The issues raised shall be tried by a jury at the first succeeding term of the Superior Court, and shall have precedence over all other business of the court: *Provided*, that if the judge holding court shall certify to the Governor, either before or during such term, that on account of the accumulation of other business, the public interests will be best served by not trying such action at said term, the Governor shall immediately call a special term of the Superior Court for said county, to convene as early as possible, and assign a judge of the Superior Court, or an emergency judge, to hold the same, and the said action shall be tried at such term. There shall be submitted to the jury for its determination the issue as to what amount is needed to maintain the schools for six months, and they shall take into consideration the amount needed and the amount available from all sources as provided by law. The final judgment rendered in such action shall be conclusive, and the county commissioners shall forthwith levy taxes in accordance with such judgment, otherwise those who refuse to do so shall be in contempt, and may be punished accordingly."

Ex. 1921, c. 93.

CHAPTER XCVI

EDUCATIONAL INSTITUTIONS

5863. In line 2, strike out the words "Training School" and insert the word "College." In line 6, strike out the word "Training School" and insert the word "College."

Ex. 1921, c. 27.

5870. In line 2, strike out the words "Training School" and insert the word "College."

Ex. 1921, c. 27.

CHAPTER CVI

INSURANCE

6450. In line 5, strike out the word "twenty" and insert the word "thirty."

Ex. 1921, c. 61.

CHAPTER CX

MEDICINE—ALLIED OCCUPATIONS

6606-23. 1. Section number six thousand six hundred and six of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by striking out the clause "the proper regulation of" in line one and substituting therefor the words "properly regulate."

2. The following section shall be known and designated as section number six thousand six hundred and ten, to replace the section of like serial number repealed by section five, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one:

"The Board of Medical Examiners of the State of North Carolina is hereby empowered to prescribe such regulations as it may deem proper, governing applicants for license, admission to examinations, the conduct of applicants during examinations, and the conduct of the examinations proper."

3. Section number six thousand six hundred and twelve of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by changing the period to a comma at the end of the section and adding the words "or to any other persons deemed necessary in connection with performing the duties of the board as imposed by law. The board shall have power to summon any witnesses deemed necessary to testify under oath in connection with any cause to be heard before it, or to summon any licentiate against whom charges are preferred in writing, and the failure of the licentiate against whom charges are preferred to appear at the stated time and place to answer to the charges, after due notice or summons has been served in writing, shall be deemed a waiver of his right to said hearing, as provided in section six thousand six hundred and eighteen of chapter forty-seven, section four of the Public Laws of one thousand nine hundred and twenty-one."

4. That section number six thousand six hundred and fourteen, as enacted in section two, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one, is hereby amended by striking out the words "medical hygiene," in line sixteen, and inserting therebetween the word "pathology" and the word "and" in line four. This same section is further amended by striking out the last sentence of the section entirely.

5. The following section shall be known and designated as section six thousand six hundred and fifteen, and shall replace the section of like serial number repealed by section three, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one:

"Every person making application for a license to practice medicine or surgery in the State shall be not less than twenty-one years of age and of good moral character before any license can be granted by the Board of Medical Examiners: *Provided*, that the age requirement shall not apply to students taking the examinations of the first two years in medicine."

6. Section six thousand six hundred and eighteen, as enacted in section four of chapter forty-seven of the Public Laws of one thousand nine hundred and twenty-one, is hereby amended by striking out the word "convicted" in line four of said newly enacted section and inserting the word "guilty" in lieu thereof.

7. Section six thousand six hundred and nineteen, as enacted in section five of chapter forty-seven of the Public Laws of one thousand nine hundred and twenty-one, is hereby repealed and a new section six thousand six hundred and nineteen is substituted therefor, as follows:

"Each applicant for examinations shall pay to the treasurer of the Board of Medical Examiners of the State of North Carolina a fee of fifteen dollars (\$15) before being admitted to the examinations: *Provided, however*, that in the case of applicants taking the examinations in two halves, as provided in section six thousand six hundred and fourteen, the fee shall be seven and one-half dollars (\$7.50) for each of the two half examinations. Whenever any license is granted without examination, as authorized in section six thousand six hundred and seventeen, the applicant shall pay to the treasurer of the board a fee of fifty dollars (\$50). Whenever a limited license is granted, as provided in section six thousand six hundred and sixteen, the person shall pay to the treasurer of the board a fee of fifteen dollars (\$15). A fee of five dollars (\$5) shall be paid for each duplicate license. All fees shall be paid in advance to the treasurer of the Board of Medical Examiners of the State of North Carolina, to be by him held as a fund for the use of said board. The compensation and expenses of the members and officers of said board, and all expenses proper and necessary in the opinion of said board, to the discharge of its duties under and to enforce the laws regulating the practice of medicine or surgery shall be paid out of such funds, upon the warrant of the president and secretary of said board. The salaries and fees of the officers and members of the said board shall be fixed by the board, but shall not exceed ten dollars (\$10) per day per member, and railroad fare and hotel expenses; and no expense shall be created to exceed the income from fees herein provided. Any unexpended sum or sums of money remaining in the treasury of the said board at the expiration of the terms of office of the members thereof, shall be paid over to their successors after their election and qualification as such."

8. That subsection twelve of section six thousand six hundred and twenty-two, as enacted in section seven, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one, is hereby amended by striking out the word "and" in line two of this subsection between the words "college" and "were" and inserting the word "or" in lieu thereof. This same subsection is hereby further amended by changing the period to a comma at the end of the subsection and adding the words "and who are properly registered as required by law."

9. That section six thousand six hundred and twenty-three of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by changing the comma occurring after the word "State" in line six to a period, and striking out all the succeeding words in this sentence in lines six, seven, eight, and nine down to the sentence beginning with the words "The clerk shall."

10. The following section shall be known and designated as section number six thousand six hundred and twenty-five-A (6625-A):

"In order to provide for the compilation of a complete list of all physicians who have been or are qualified by law to practice medicine and surgery in this State, either by virtue

of license and registration, or registration on presentation of diploma, or after oath of practice prior to March the seventh, one thousand eight hundred and eighty-five, the clerk of the Superior Court in every county in the State is hereby required to furnish to the Board of Medical Examiners of the State of North Carolina a complete list of all persons registered in his office to practice medicine and surgery from February twenty-eighth, one thousand eight hundred and eighty-nine, to January first, one thousand nine hundred and twenty-two, on blank forms to be supplied to him by the secretary of the Board of Medical Examiners. Such lists shall be mailed to the office of the secretary of the Board of Medical Examiners not later than thirty days after the receipt of the blanks upon which the names are to be entered. Failure of the secretary of the Board to furnish the blank forms to the clerks, and failure of any clerk of Superior Court to furnish a complete list of the registered practitioners of medicine and surgery in his county, shall constitute a misdemeanor, and shall be punishable as such."

Ex. 1921, c. 44.

6760. As amended by chapter 171, 1921: Amend by striking from the proviso the words "June the first, nineteen hundred and twenty-one" and inserting the words "March the first, nineteen hundred and twenty-two."

Ex. 1921, c. 68. See, also, 1921, c. 171.

CHAPTER CXVIII

PUBLIC HEALTH

7121. In lines 1, 11 and 12, strike out the words "State Board of Health" and insert the words "municipality or water company."

Ex. 1921, c. 49.

7130. Add: "*Provided, however,* that nothing in this act shall curtail the right of a municipality to require and enforce immediate sewer connection."

Ex. 1921, c. 49.

7142. Repealed.

Ex. 1921, c. 49.

CHAPTER CXXI

REFORMATORIES

7334. In line 15 insert after the word "years": *Provided*, that when any girl under twenty-one years of age shall have been committed to the institution, the trustees shall have the sole right and authority to keep, restrain, and control her until she is twenty-one years old, or until such time as they shall deem proper for her discharge, under such proper and humane rules and regulations as may be adopted by the trustees."

Ex. 1921, c. 69.

CHAPTER CXXV

STATE DEBT

7401-7409. Amended as follows:

1. Section seven thousand four hundred and one, Consolidated Statutes, be and is amended by striking therefrom all of the words beginning "and coupons of interest" in the eighth line, and ending with the words "bonds of less amount" in the sixteenth line, and that in lieu of the words so stricken, there be inserted the words "Interest coupons shall be attached to the bonds or certificates unless they be bonds or certificates registered as to both principal and interest, and the bonds, certificates and coupons shall be made payable either at a bank in the city of New York to be designated by the State Treasurer, or at the office of the State Treasurer in Raleigh, as may be designated by the Treasurer, or shall be made payable, at the option of the holder, either at such bank in New York or at the office of the State Treasurer."

2. That section seven thousand four hundred and one, Consolidated Statutes, be and is further amended by striking therefrom the words "and shall be made payable to such person by name as may be the purchaser, or to bearer" in the sixth and seventh lines, and by inserting in lieu thereof the words "and shall be made payable to bearer unless registered as herein-after provided."

3. That section seven thousand four hundred and four, Consolidated Statutes, be and is amended so as to read as follows:

"7404. *Books for Registration and Transfer.* The State Treasurer shall keep in his office a register or registers for the registration and transfer of all bonds and certificates of the State heretofore or hereafter issued, in which he may register any bond or certificate at the time of its issue or, at the request of the holder, thereafter. When any bond or certificate shall have been registered as hereinafter provided, the State Treasurer shall enter in a manner to be of easy and ready reference, a description of said bond or certificate, giving the number, series, date of issue, denomination, by whom signed, and such other data as may be necessary for the ready identification thereof, together with the name of the person in whose name the same is then to be registered and whether in his individual capacity or in a fiduciary relation, and if the latter, for whose benefit the same is to be registered."

4. That section seven thousand four hundred and five, Consolidated Statutes, be and is amended to read as follows:

"7405. *Registration as to Principal.* Upon the presentation at the office of the State Treasurer of any bond or certificate that has heretofore been or may hereafter be issued by the State, or upon the first issuance of any bond or certificate, the same may be registered as to principal in the name of the holder upon such register, such registration to be noted on the reverse of the bond or certificate by the State Treasurer. The principal of any bond or certificates so registered shall be payable only to the registered payee or his legal representative, and such bond or certificate shall be transferable to another holder or back to bearer only upon presentation to the State Treasurer with a written assignment acknowledged or approved in a form satisfactory to the Treasurer. The name of the registered assignee shall be written in said register and upon any bond or certificate so transferred. A bond or certificate so transferred to bearer shall be subject to future registration and transfer as before."

5. That section seven thousand four hundred and six, Consolidated Statutes, be and is amended to read as follows:

"7406. *Registration as to Principal and Interest.* If, upon the registration of any such bond or certificate, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, shall be surrendered, such coupons shall be canceled by the Treasurer and he shall sign a statement endorsed upon such bond or certificate of the cancellation of all unmatured coupons and of the fact that such bond has been converted into a fully registered bond, and shall make like entry in the said register. Thereafter the interest evidenced by such canceled coupons shall be paid at the times provided therein, to the registered owner or his legal representatives, in New York Exchange, mailed to his address, unless he shall have requested the State Treasurer to pay such interest in funds current at the State Capital, which request shall be entered in the said register."

6. That section seven thousand four hundred and seven, Consolidated Statutes, be and is amended to read as follows:

"7407. *Fees for Registration.* There shall be no charge for the registration of a bond or certificate registered at the time of issuance. A fee of twenty-five cents shall be paid to the State Treasurer to meet the expense of registration for every bond or certificate presented for registration, either as to principal alone or both principal and interest, after the original issuance thereof, and a like fee shall be paid for the transfer of each bond or certificate."

7. That section seven thousand four hundred and eight, Consolidated Statutes, be and is amended to read as follows:

"7408. *Application of Sections Seven Thousand Four Hundred and One to Seven Thousand Four Hundred and Nine.* That sections seven thousand four hundred and one to seven thousand four hundred and nine, both inclusive, as amended by this act, shall be applicable to all bonds or certificates of the State heretofore issued and now outstanding, and to all bonds or certificates of the State that may hereafter be issued in accordance with any law now in force or hereafter to be enacted."

8. That section seven thousand four hundred and nine, Consolidated Statutes, be and is amended to read as follows:

"7409. *Duties Performed by Other Officers.* If the Council of State shall at any time find that either the Governor or the State Treasurer is unable by reason of absence, disability, or otherwise, to sign any bonds or certificates, the Lieutenant-Governor may sign the same in lieu of the Governor, and they may be signed in lieu of the Treasurer by any member of the Council of State designated by it."

Ex. 1921, c. 50 and 66.

CHAPTER CXXIX

STATE OFFICERS

7670. In line 4, strike out the words "one dollar and fifty cents" and insert the words "two dollars."

Ex. 1921, c. 84.

7692. In line 6, strike out the word "December" and insert the word "July."

Ex. 1921, c. 7.

CHAPTER CXXXI

TAXATION

7837. Add: "Taxes levied under this section shall be payable on or before November first of each year."

Ex. 1921, c. 101.

CHAPTER CXXXIII

WEIGHTS AND MEASURES

8060. In line 28, strike out the figures "seventy" and insert the figures "sixty-six."
In line 30, strike out the figures "seventy-four" and insert the figures "seventy."

Ex. 1921, c. 87.

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